

LEVI & KORSINSKY, LLP

Adam M. Apton
55 Broadway, 10th Floor
New York, New York 10006
Tel.: (212) 363-7500
Fax: (212) 363-7171
Email: aapton@zlk.com

*Attorneys for Lead Plaintiff
and Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE NAVIENT CORPORATION
SECURITIES LITIGATION

Civil No. 17-8373 (RBK/AMD)

**JOINT STIPULATION AND
[PROPOSED] ORDER**

WHEREAS Lead Plaintiff Jesse Wayne Pritchard (“Plaintiff”) and Defendants Navient Corporation, John F. Remondi, Somsak Chivavibul, and Christian M. Lown (“Defendants”) (collectively with Lead Plaintiff, the “Parties”) submit this Joint Stipulation and [Proposed] Order;

WHEREAS, on November 19, 2020, Defendants agreed to produce certain expert reports served in *Lord Abbett Affiliated Fund, Inc. v. Navient Corporation, et al.*, No. 16-cv-112 (D. Del.), including the expert reports written by Nicholas Hillman and David Madigan served by the plaintiffs in that action (the “*Lord Abbett Reports*”);

WHEREAS, on December 30, 2020, Defendants advised Plaintiff that the plaintiffs in *Lord Abbett* (the “*Lord Abbett* Plaintiffs”) had designated the *Lord Abbett* Reports as “Confidential” pursuant to the Protective Order in that matter and, consequently, Defendants had requested permission from the *Lord Abbett* Plaintiffs to produce them in this action;

WHEREAS, the *Lord Abbett* Protective Order states, in relevant part: “[I]n the event a Receiving Party is served with a subpoena or order issued in other litigation that would compel the production or disclosure of any Protected Material, the Receiving Party must notify the Designating Party, in writing (including by fax or email, if possible) immediately, and in no event more than seven (7) business days after receiving the subpoena or order. Such notification must include a copy of the subpoena or court order. To the extent a Receiving Party is subsequently informed by a subpoena’s requesting party that its scope includes Protected Material—which scope was not reasonably clear on the face of the subpoena—such notification shall take place within seven (7) business days thereafter. The Receiving Party also must immediately inform in writing (including by fax or email, if possible) the person who caused the subpoena or order to issue in the other litigation that some or all of the material covered by the subpoena or order is the subject of this Order, and deliver a copy of this Order promptly to such person. The purpose of imposing these duties on a Receiving Party is to alert the interested Parties to the existence of this Order

and to afford the Designating Party an opportunity to protect its interests in the forum where the subpoena or order issued. The Designating Party shall bear the burdens and the expenses of seeking protection in that court of its Protected Material”;

WHEREAS, the *Lord Abbett* Plaintiffs advised Defendants that they would need “the material required by the terms of the Protective Order” (a subpoena or court order in this action) to properly evaluate the request for the *Lord Abbett* Reports;

WHEREAS, the *Lord Abbett* Plaintiffs have not filed a motion for a protective order to date preventing Defendants from disclosing the expert reports at issue or otherwise taken any other steps to prevent their disclosure, other than objecting to Defendants exchanging them;

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the Parties, as follows:

- 1) The Parties request that this Court issue an order for Defendants to produce the *Lord Abbett* Reports to Plaintiff as “Confidential” subject to the terms of the Protective Order in this action.
- 2) Once the Court issues its order, Defendants will inform the *Lord Abbett* Plaintiffs of the order and allow them five (5) business days to take steps to prevent disclosure in this action.
- 3) If after five (5) business days the *Lord Abbett* Plaintiffs do not take

action to prevent disclosure, Defendants will produce the *Lord Abbett* Reports.

LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton
ADAM M. APTON

*Counsel for Lead Plaintiff
and Lead Counsel for the Proposed Class*

LATHAM & WATKINS LLP

By: /s/ Kevin McDonough
KEVIN MCDONOUGH

Counsel for Defendants

SO ORDERED:

ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE